REMARKS

Claims 1-5 and 10-26 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Claim Objections

The Examiner as objected to claims 1-13, 18 and 19-21, noting that claim 1 includes the phrase "having been collected by an agent corresponding process". The Examiner has further noted that for other similar claims "an agent" is used to collect the process data items, not "an agent corresponding process". Claim 1 has been amended herein to provide "...collected by agents associated with each of the components ...". Therefore, reconsideration and withdrawal of the objections are respectfully requested.

The Examiner has objected to claims 10 and 18, noting that each includes the phrase "collecting a plurality of process data items associated with a component of a plurality of components operating in a distributed computer system". The Examiner has further noted that the specification and other similar claims seem to disclose "collecting a plurality of process data items associated with a plurality of components operating in a distributed computer system", and not a single component. Claims 10 and 18 have each been amended herein to provide "...collecting a plurality of process data items associated with components operating in a distributed computer system ...". Therefore, reconsideration and withdrawal of the objections are respectfully requested.

The Examiner has objected to claim 19, noting that "means for" is not used in the "comparing in accordance ... common application data" feature. Claim 19 has been amended herein to provide "... means for comparing ...". Therefore, reconsideration and withdrawal of the objection are respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1-22 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. Pub. No. 2006/0085798 to Bendiksen et al. ("Bendiksen"). This rejection is respectfully traversed.

At the outset, Applicants note that claims 6-9 have been cancelled without prejudice or disclaimer of the subject matter therein. Consequently, the rejection of claims 6-9 has been rendered moot.

When applying a reference under 35 U.S.C. §102, it is well established that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."[1] Further, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim."[2] As discussed in further detail below, Bendiksen fails to set forth each and every element of each of claims 1, 10, 14, 15, 18, 19 and 22. Consequently, Bendiksen fails to show the identical invention in as complete detail as is contained in any of claims 1, 10, 14, 15, 18, 19 and 22.

As amended herein, claims 1, 14, 15 and 19 include at least the features of receiving a plurality of process data items associated with a plurality of process instances that are executed using a plurality of components operating in a distributed computer system, grouping into a first group a plurality of process data items corresponding to a first process instance the first process instance being a single execution of a first sequence of related steps carried out in the distributed computer system, grouping into a second group a plurality of process data items corresponding to a second process instance, the second process instance being a single execution of a second sequence of related steps carried out in the distributed computer system, as well as the features of reconstructing the first and second process instances based on the process data items in the first and second groups, respectively, wherein reconstruction of the first and second process instances begins during execution of the first and second process instances in the distributed computer system.

As amended herein, each of claims 10, 18 and 22 include the features of transferring the process data items to a central system operable to discover and reconstruct first and second process instances based on common application data found in the process data items, the first and second process instances each being a single execution of a sequence of related steps carried out in the distributed computer system, wherein reconstruction of the first and second process

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[1] *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).
[2] *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

instances begins during execution of the first and second process instances in the distributed computer system.

As discussed in further detail below, Bendiksen fails to disclose at least the above-described features of each of claims 1, 10, 14, 15, 18, 19 and 22.

Bendiksen describes a method and apparatus for correlating events in a distributed computing environment (see Title, and Abstract). More specifically, an analyzer system 10 includes analyzers 12 associated with databases 20, and a plurality of sensors 14 associated with user applications 18 (see Fig. 1 and paragraphs [0047]-[0051]). The sensors 14 capture event data at the user applications 18, and store the event data in the databases 20 (see Fig. 5, and paragraphs [0078]-[0080]). With particular reference to Figs. 9 and 10 of Bendiksen, the analyzer 10 groups events into related transactions. More specifically, a user indicates a starting event (e) of interest, and a transaction analysis module locates other events that occurred within the same local or business transaction as the event of interest. A subset of the recorded events that are within the particular transaction of interest can be displayed, allowing the user to focus on the events relevant to a problem being analyzed (see Figs, 9 and 10, and paragraphs [0107] and [0108]). Accordingly, Bendiksen identifies and displays events that are related to an event of interest, which has been identified by a user.

With regard to claims 1, 14, 15 and 19, Bendiksen fails to disclose the features of grouping into a first group a plurality of process data items corresponding to a first process instance, the first process instance being a single execution of a first sequence of related steps carried out in the distributed computer system, and grouping into a second group a plurality of process data items corresponding to a second process instance, the second process instance being a single execution of a second sequence of related steps carried out in the distributed computer system. As described above, Bendiksen discloses identifying a subset of events that are related to an event of interest identified by a user. Consequently, Bendiksen does not group process data items corresponding to first and second process instances, each of which is a single execution of a sequence of steps.

Bendiksen further fails to disclose the feature of reconstructing first and second process instances, and therefore also can not disclose the feature of beginning such reconstruction during execution of the first and second process instances in the distributed computer system. Again,

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Bendiksen merely identifies and displays a subset of events that are related to an event of interest. Bendiksen does not describe the reconstruction of a process instance as it is executed on a distributed computer system.

With regard to claims 10, 18 and 22, Bendiksen fails to disclose the features of transferring the process data items to a central system operable to discover and reconstruct first and second process instances based on common application data found in the process data items, the first and second process instances each being a single execution of a sequence of related steps carried out in the distributed computer system, wherein reconstruction of the first and second process instances begins during execution of the first and second process instances in the distributed computer system. As discussed in detail above, Bendiksen discloses identifying a subset of events that are related to an event of interest identified by a user. Consequently, Bendiksen does not group process data items corresponding to first and second process instances, each of which is a single execution of a sequence of steps. Further, because Bendiksen only identifies and displays a subset of events that are related to an event of interest, Bendiksen also can not disclose reconstructing a process instance as it is executed on a distributed computer system.

In view of the foregoing, Bendiksen fails to set forth each and every element of each of claims 1, 10, 14, 15, 18, 19 and 22, and fails to show the identical invention in as complete detail as is contained in any of claims 1, 10, 14, 15, 18, 19 and 22. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 2-5, 11-13, 16, 17, 20 and 21 ultimately depends from one of claims 1, 10, 14, 15, 18 and 19, which define over the asserted reference, as discussed in detail above. Consequently, each of claims 2-5, 11-13, 16, 17, 20 and 21 also defines over the asserted reference for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Other Claim Amendments

Claim 4 has been amended to conform to amended claim 1.

New claims 23-26 have been added, and each ultimately depends from one of claims 1 and 10, which define over the asserted reference, as discussed in detail above. Consequently,

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each of claims 23-26 also define over the asserted reference for at least the same reasons. For at least this reason, favorable consideration and allowance of claims 23-26 are respectfully requested.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

No charges are believed due. However, if any fees are due, they are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13913-120001.

Respectfully submitted,

Date: July 9, 2008
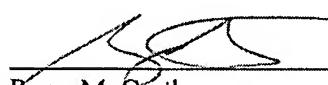
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